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COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

v.

CASE NO. PUE980628

AUBON WATER COMPANY,

Defendant

HEARING EXAMINER'S RULING

April 14, 2000

On March 7, 2000, a hearing was conducted to determine the status of the construction of a water treatment facility for the Long Island Estates subdivision located in Franklin County, Virginia, and to further determine the Defendant's compliance with an Order of Settlement entered by the Commission on December 16, 1998. At the hearing, it was disclosed that the Defendant's consulting engineers had not filed the final plans and specifications for the water treatment facility with the Virginia Department of Health, Office of Water Programs ("VDH-OWP"), although such plans and specifications were ready to be filed. In addition, it was further disclosed that the issue involving the annexation of the Franklin Heights subdivision by the Town of Rocky Mount had not been resolved.

On March 22, 2000, the Defendant's consulting engineers filed the final plans and specifications for the water treatment facility with VDH-OWP.

In order to expedite the approval of the final plans and specifications as required by the Commission's Order of Settlement, I find that Defendant should be required to respond to additional information requests made by VDH-OWP within a reasonably short period of time. I further find the Defendant may need to consult with an attorney specializing in land use law to determine the legal consequences of the annexation of the Franklin Heights subdivision on the water company.

THEREFORE, IT IS DIRECTED THAT:

(1) Defendant shall provide, within 15 days after a request therefor, any information requested by the VDH-OWP necessary to gain approval of the company's final plans and specifications for the construction of the water treatment facility at Long Island Estates and shall report the status of the approval process monthly to the Commission's Staff; and

(2) Defendant shall take whatever action the Defendant deems necessary to protect its Certificate of Public Convenience and Necessity to provide water service. Such action may include but is not limited to, consulting with an attorney specializing in land use law to

determine the legal consequences of the annexation of the Franklin Heights subdivision on the water company.

Michael D. Thomas
Hearing Examiner